

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF DECERTIFICATION #3-79:

MONTANA FEDERATION OF TEACHERS,)

Petitioner,)

GREAT FALLS SCHOOL DISTRICT
NO. 1 and the GREAT FALLS
VOCATIONAL-TECHNICAL CENTER,)

Employer,)

GREAT FALLS EDUCATION
ASSOCIATION,)

Respondent.)

FINAL ORDER

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On January 31, 1979, the Montana Federation of Teachers, AFT, AFL-CIO, filed a petition for decertification of the Montana Education Association, Great Falls Education Association, as representatives of the teaching staff and counselors at the Great Falls Vocational-Technical Center. On May 21, 1979, the petition was served on the Superintendent of Great Falls School District No. 1.

Motions to Dismiss were filed by the Great Falls Education Association and by Great Falls School District No. 1.

An Administrator's Order was issued on July 13, 1979, granting the Motions to Dismiss and dismissing the decertification petition on grounds that it was an attempt to decertify part of an existing bargaining unit and was therefore inconsistent with previous Board policy. Petitioner filed Exceptions to the Administrator's Order on July 20, 1979, and oral argument was scheduled before the Board of Personnel Appeals on September 18, 1979.

After considering the record of proceedings, briefs and other pleadings, the Board of Personnel Appeals orders as follows:

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* * * * *

The Great Falls Education Association and the Great Falls School District #1 have filed motions to dismiss the decertification petition filed by the Montana Federation of Teachers. These motions are granted for the following reasons:

1. The Petitioner is attempting to decertify part of an existing bargaining unit.

2. The Board of Personnel Appeals has consistently ruled that a decertification petition must seek decertification of an existing representative in the recognized or certified unit, not a part of a unit. UD-19-75 (Helena Vo-Tech); DC-2-75 (Department of Highways, Big Timber Unit); DC-5-75 (Department of Highways, Havre Division); Unit Modification 3-77 (Helena Vo-Tech); Declaratory Judgment 2-75; DC-4-78 (Lewis and Clark County Sheriff's Department).

DATED this 13 day of July, 1979.

BOARD OF PERSONNEL APPEALS

By Robert R. Jensen
Robert R. Jensen
Administrator

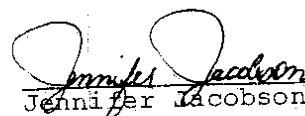
CERTIFICATE OF MAILING

I, Jennifer Jacobson, do hereby certify and state that on the 13 day of July, 1979, I mailed a true and correct copy of the above ORDER on DC-3-79 to the following persons:

Leslie S. Waite, III
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P.O. Box 2071
Great Falls, MT 59403

Ms. Emilie Loring
HILLEY & LORING
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Great Falls, MT 59405

Cordell R. Brown
Montana Federation of Teachers
P.O. Box 1246
Helena, MT 59601


Jennifer Jacobson